

FILED
MAY 20 2009
PATRICK E. DUFFY, CLERK
By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALEXANDER HOVEY,)	CV 09-59-M-DWM
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

Petitioner Hovey filed a document titled "Motion for Quick and Speedy Trial," which was construed as a petition for writ of habeas corpus under 28 U.S.C. § 2241. United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 28, 2009. Petitioner timely objected on May 11, 2009. Therefore, Petitioner is entitled to de novo review of those portions of the Findings and Recommendation to which he objected. 28 U.S.C. § 636(b)(1). The portions of the Findings and Recommendation not specifically objected to will be reviewed for clear error. McDonnell Douglas

Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

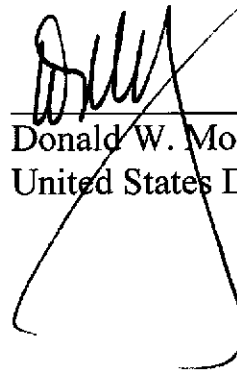
Hovey is currently in custody at the Missoula County Detention Center, but he is not being detained due to a federal warrant. In November 2008, the United States executed a search warrant on Hovey's computer, but the file was then closed. His petition seeks to compel the United States to bring charges against him, based on his Sixth Amendment right to a speedy trial. However, Judge Lynch found that the right to a speedy trial does not require the government to bring a case within a certain period of time. See U.S. v Marion, 404 U.S. 307, 313 (1971). Therefore, Judge Lynch recommended dismissing the petition for failure to state a claim on which relief may be granted. Hovey objected to Judge Lynch's findings, but states no basis for his objection, nor does he identify the portion of the Findings and Recommendation to which he objects. Because I agree with Judge Lynch's analysis and conclusions, I adopt his findings in full. Accordingly,

IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation (dkt #3) are adopted in full. The Petition (dkt #1) is DISMISSED for failure to state a claim on which relief may be granted. All pending motions are denied as moot.

The Clerk of Court is direct to enter, by separate document, a judgment of dismissal.

The Clerk of Court is further directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(4)(B) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 20 day of May, 2009.

A handwritten signature in black ink, appearing to read 'D. Molloy', is written over a horizontal line. A large, sweeping checkmark is drawn over the signature and the line.

Donald W. Molloy, District Judge
United States District Court